

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

STEVEN BIVENS, on behalf of
himself and all persons similarly
situated,

Plaintiffs,

vs.

SELECT PORTFOLIO SERVICING,
INC.,

Defendant.

CIVIL ACTION

FILE NO. 1:17-CV-0760-WSD-WEJ

**DEFENDANT SELECT PORTFOLIO SERVICING, INC.’S
MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

Defendant Select Portfolio Servicing, Inc. (“SPS”) hereby moves under Federal Rules of Civil Procedure 6 and 12(b)(6) for an order dismissing with prejudice the Class Action Complaint filed in this action by Plaintiff Steven Bivens, on behalf of himself and all persons similarly situated, including all claims and causes of action therein, because the Complaint fails to state a claim upon which relief can be granted and because Plaintiff has engaged in claim-splitting.

In support of this Motion, SPS relies upon its brief, filed contemporaneously herewith, any materials cited therein or attached thereto, and the pleadings in this case.

Dated: April 7, 2017.

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s/ Alexandra M. Dishun

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*Attorneys for Defendant Select Portfolio
Servicing, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2017, I electronically filed **SELECT PORTFOLIO SERVICING, INC.'S MOTION TO DISMISS PLAINTIFF'S CLASS ACTION COMPLAINT** and **BRIEF IN SUPPORT** with the Clerk of Court using the CM/ECF system, which will automatically serve the following counsel of record:

Wayne Charles
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Attorney for Plaintiff

/s/ Alexandra M. Dishun
Alexandra M. Dishun
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One of the Attorneys for
Select Portfolio Servicing, Inc.